

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:
The State of Alabama v. Purdue Pharma L.P.,
No. 1:18-op-45236-DAP

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THE MANUFACTURER
DEFENDANTS' JOINT MOTION TO DISMISS THE STATE OF ALABAMA'S FIRST
AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Evidence 201, the Manufacturer Defendants hereby request that the Court take judicial notice of the following documents in support of the Manufacturer Defendants' Joint Motion to Dismiss The State of Alabama's First Amended Complaint. All exhibit references correspond to the exhibits attached to the Declaration of Sean O. Morris, filed contemporaneously in support of the above-referenced motion.

1. Exhibit A: The prescription drug label for OXYCONTIN® approved by the FDA as revised December 2016;
2. Exhibit B: The prescription drug label for OPANA® ER approved by the FDA a revised December 2016;

3. Exhibit C: DOJ press release entitled “Manhattan U.S. Attorney Announces \$39 Million Civil Fraud Settlement Against Qualitest Pharmaceuticals For Selling Half-Strength Fluoride Supplements” (Dec. 16, 2015);

4. Exhibit D: DOJ press release entitled “Mallinckrodt Agrees to Pay Record \$35 Million Settlement for Failure to Report Suspicious Orders of Pharmaceutical Drugs and for Recordkeeping Violations” (July 11, 2017); and

5. Exhibit E: Alabama Drug Abuse Task Force’s Report to the Alabama Legislature (February 15, 2013).

All of these exhibits are properly subject to judicial notice. Courts routinely take judicial notice of FDA-approved labels (Exhibit A & B) and governmental press releases (Exhibits C, D & E). *See, e.g., Aaron v. Medtronic, Inc.*, 209 F. Supp. 3d 994, 1014 (S.D. Ohio 2016) (citing *Chapman v. Abbott Labs.*, 930 F. Supp. 2d 1321, 1323 (M.D. Fla. 2013) (FDA drug label)); *Reeves v. PharmaJet Inc.*, 846 F. Supp.2d 791, 794 n.1 (N.D. Ohio 2012) (“The Court may also take judicial notice of matters of public record including records of the FDA available on its website.”); *Kiker v. SmithKline Beecham Corp.*, 2016 WL 8189286, at *4 n.3 (S.D. Ohio Dec. 15, 2016) (press releases); *see also Beaver Cty. Ret. Bd. v. LCA-Vision Inc.*, 2009 WL 806714, at *7 (S.D. Ohio Mar. 25, 2009) (finding that accuracy of press releases cannot be reasonably questioned, and noting that “[p]ress releases also are self-authenticating under evidentiary rule 902(6)”).

WHEREFORE, the Manufacturer Defendants respectfully request that the Court take judicial notice of the abovementioned exhibits.

Dated: June 29, 2018

Respectfully submitted,

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